IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 2070 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders
	S.M. Vidyarthi for the appellants. Milind Deshmukh for Respondent no.3 **CORAM: S.B. DESHMUKH, J.** **DATE : AUGUST 29, 2006.** **P.C. :** 1. Heard learned counsel for the appellant. Issue notice to respondent returnable within four weeks. 2. Learned counsel i/by. Mr. Milind Deshmukh who appears for Respondent no.3 is present and waives service for Respondent no.3. He also seeks time to file Vakalatnama on behalf of Respondent no.1 and 2. Notice to serve Respondent nos.4, 5, 6 and 7. sd/-

(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3727 OF 2006

IN

FIRST APPEAL NO. 2070 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders
	S.M. Vidyarthi for the appellants. Milind Deshmukh for respondent no.3

CORAM: S.B. DESHMUKH, J.

DATE : AUGUST 29, 2006.

P.C. :

1. Heard the learned counsel for the applicant as well as for Respondent.

2. I have also perused the award

passed by the Learned Member Motor Accidents Claim Tribunal Pune. The Trial Court, has awarded an amount of Rs.3,88,900/- on account of compensation. The Trial court, has also directed apportionment in relation to payment of compensation.

3. The learned counsel appearing for applicant seeks stay of the judgment and award passed by the Learned Member, Motor Accidents Claim Tribunal, Pune in MACP No. 442 of 1994.

4. I have heard the learned counsel for the parties. In my view, ad-interim relief can be granted in

favour of the applicant subject to depositing entire decreetal amount.

5. The learned counsel appearing for Respondent no.3 seeks withdrawal of the amount of compensation. After hearing the learned counsel for the applicant, such withdrawal is permitted in accordance with the schedule of apportionment made by the tribunal; with little modification of period of fixed deposit.

6. In this view of the matter, Civil Application is partly allowed. The judgment and award passed by the learned tribunal in MACP No. 442 of 1994 shall remain stayed till the

disposal of this appeal subject to depositing the entire decreetal amount by the applicant with the learned tribunal at Pune within a period of six weeks from today.

7. On deposit of such decreetal amount by the applicants, the respondent/original claimants are permitted to withdraw an amount of Rs.50,000/- each by Account Payee cheques as mentioned in operative part of the judgment of the trial court in para 4(a). Remaining amount, shall be invested by the Tribunal as mentioned in paragraph 4(b). After the completion of 84 months period, the said fixed deposit

shall stand renewed every time for the period of three years in absence of any order from this court.

8. In case of failure on the part of the applicant to deposit the entire decreetal amount within a period of six weeks, stay granted by this court shall stand vacated without reference to this court. Liberty to move this court in case of urgency, is granted in favour of the respondents. The learned counsel for the appellant submits, that an amount of Rs.25,000/- is deposited with this court by way of statutory deposit under Section 173 of the Motor Vehicles Act , 1988. This amount of

Rs.25,000/- be remitted to the learned Tribunal at Pune for onward investment in any nationalised bank initially for a period of seven years. This investment shall stand renewed every time for three years in the absence of any order from this court.

9. Civil Application is accordingly partly allowed and disposed off in above terms.

sd/-

(JUDGE)